IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 18552 of 2003

Between:

P.S. Lingam s/o Narsaiah
R/o Yadagirigutta (P) & (M), Besides Electrical Sub-Station, APTRANSCO, Nalgonda District

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Nalgonda Region, Nalgonda
2 The Depot Manager, APSRTC, Suryapet Depot, Suryapet , Nalgonda District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not granting special grade stagnation increments on completion of 12 years of continuous service as Conductor as illegal, arbitrary and unjust and consequently direct the respondents to grant special grade stagnation increments with effect from the date of completion of 12 years of continuous service as conductor

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondents: Sri K.Haraiah

The Court made the following :

O R D E R:

Brief facts of the case are that the petitioner was initially appointed as Conductor in the 1st respondent Corporation on 23.04.1979 and posted at Nalgonda Depot. There after, on 16.04.1986, his services were terminated by the 2nd respondent-Depot Manager, Suryapet Depot. Assailing the said proceedings, he raised an industrial dispute before the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad, in I.D.No.152 of 1986. On 23.05.1988, the Tribunal passed an award directing the respondent Corporation to reinstate the petitioner into service with continuity of service and attendant benefits, but without back wages. It is also the case of the petitioner that as per the Circular of the Corporation, dated 03.05.1989, if an employee works for more than 12 years continuously in a single post, he is entitled for stagnation increments. As the petitioner has already completed 12 years of service in the same category of Conductor, he is entitled for the special grade increments.

The respondent filed its Counter stating that for the cash and ticket irregularities, the petitioner was removed from service and he was not paid wages for a period of four years one month. There after, basing on the orders of the Tribunal, the petitioner was

reinstated into service and he reported to duty on 15.10.1988. If the period of four years one month is excluded from the service of the petitioner, he is not entitled for the stagnation increment.

The learned counsel for the petitioner submitted that the petitioner filed a representation, dated 04.02.203 before the 1st respondent requesting him to grant stagnation increment (Special Grade) and the same is pending consideration.

In view of the facts and circumstances of the case, the respondent-Corporation is directed to consider the representation of the petitioner, dated 04.02.2003 and keeping in view the award of the Tribunal, pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

17.08.2004

tjs

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Manager, A.P.S.R.T.C., Nalgonda Region, Nalgonda
2. The Depot Manager, A.P.S.R.T.C., Suryapet Depot, Suryapet, nalgonda District.
3. 2 C.D.Copies.

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